

Serial No. 10/686,476

Amendment in Resp. to Off. Action of Oct. 17, 2006

UTILITY PATENT

B&D No. JK01483A

REMARKS

Applicant has amended Claims 1, 3, 11, and 20. Currently in the above-identified application therefore are Claims 1, 3 and 5-26.

The Examiner objected to Claim 1. In response, Applicants have amended Claim 1 as suggested by the Examiner.

The Examiner rejected Claims 11-14, 16 and 18-19 under 35 USC § 112, second paragraph, for indefiniteness. In particular, the Examiner alleges that "the workpiece-contacting surface" element in Claim 11, line 13 lacks proper antecedent basis. In response, Applicants refer the Examiner to lines 8-9 of Claim 11 for the antecedent basis.

The Examiner has rejected Claims 1 and 20-23 under 35 USC § 102(b) as anticipated by US Patent No. 4,875,399 ("Scott"). Reconsideration and withdrawal of this rejection are respectfully requested.

Scott does not have a retention member that pivots between extended and retracted orientations about an axis substantially perpendicular to the movement direction of the retention member. Instead, the retention member 14 pivots about an axis parallel to the direction of movement along slot 12.

By contradistinction, Claims 1 and 20 require that "the retention member pivot [between the extended and retracted positions] about an axis substantially perpendicular to the [movement] direction." Accordingly, Scott cannot anticipate any of the pending claims.

The Examiner rejected Claims 1, 3, 8, 10-12, 16, 18-20, 22-23 and 25 under 35 USC § 103(a) as being unpatentable over US Patent No. 6,073,529 ("Shibata"). The Examiner also rejected Claims 5-6, 13-14, and 21 under 35 USC § 103(a) as being unpatentable over Shibata in

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view of US Patent No. 4,423,860 ("Windstrup"). Reconsideration and withdrawal of these rejections are respectfully requested.

Assuming that the Shibata embodiments of FIGS. 7-9 and 16-18 can be combined, the resulting combination would have a retention member that pivots about an axis parallel to the movement direction. This is because fence 21 moves along and pivots about shaft 25.

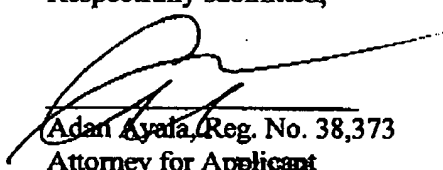
By contradistinction, Claims 1, 3, 11 and 20 require that "the retention member pivot [between the extended and retracted positions] about an axis substantially perpendicular to the [movement] direction." Since Shibata does not disclose, teach or suggest such arrangement, it cannot render unpatentable independent Claims 1, 3, 11 and 20, or any of its dependent claims.

Such missing element is not taught or suggested by Windstrup. Accordingly, neither Shibata nor the Shibata/Windstrup combination can render unpatentable the rejected claims.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 1, 3 and 5-26 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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